

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY  
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ELECTRONICALLY FILED  
DOC#:  
DATE FILED: 9/7/22

BEN & JERRY'S HOMEMADE, INC.

Plaintiff,

v.

CONOPCO, INC.

Defendant.

Case No. 1:22-cv-05681 (ALC)

**STIPULATION AND [PROPOSED] ORDER**

WHEREAS, on July 5, 2022, Plaintiff Ben & Jerry's Homemade, Inc. ("Plaintiff") filed its Complaint (Dkt. 1);

WHEREAS on September 1, 2022, Plaintiff sought Defendant's consent for Plaintiff to amend its Complaint and defer Defendant's time to respond;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the parties, through their undersigned counsel, that:

1. Without prejudice to its contention that the independent members of Ben & Jerry's board did not have authority to commence this case and do not have authority to file an amended Complaint on behalf of Ben & Jerry's, Defendant does not object to Plaintiff's request to amend its Complaint.
2. Plaintiff will file an Amended Complaint on or before September 27, 2022, and Defendant will respond to the Amended Complaint on or before November 1, 2022.
3. Defendant need not respond to the Complaint today, September 6, 2022, as previously ordered by the Court.

Dated: September 6, 2022  
New York, New York

**SO STIPULATED:**

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By: s/ David R. Marriott

David R. Marriott

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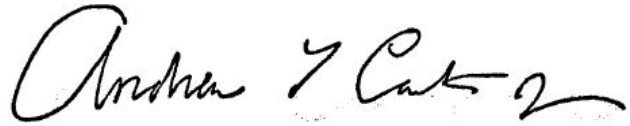
Yonatan Even

825 Eighth Avenue

New York, New York 10019

Tel: (212) 474-1000

**SO ORDERED** this 7<sup>th</sup> day of September, 2022:



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**THE HONORABLE ANDREW L. CARTER**  
**UNITED STATES DISTRICT JUDGE**